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I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on October 21, 2009.

Signed: /Swapnali Joshi/
Swapnali Joshi

Atty Docket No: **LFCT-P001X3**
Client Ref:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THOMAS W. KONOWALCHUK and JACK KONOWALCHUK

Application No: **10/016,282**

Filed: **12/06/2001**

Title: **METHODS FOR PREVENTING LESIONS CAUSED BY VIRUSES OF THE HERPESVIRIDAE OR POXVIRIDAE FAMILY**

Examiner: SAN MING R. HUI

Art Unit: **1617**

Confirmation No: **4202**

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Interview Summary mailed on September 21, 2009.

Applicants conducted an interview with Julie Burke on 14 September 2009. As stated in the Interview Summary, Applicants and Examiner Burke agreed that the communication mailed on July 21, 2009 was incorrectly entered into PALM as a notice of non-responsive amendment. This was incorrect because Applicants' response entered on April 20, 2006 was *bona fide*. The Office, at most, ought to have mailed out a miscellaneous letter on the PTOL-90 form or addressed the issue in the next Office Action on the merits. Accordingly, Applicants and Examiner Burke agreed that the notice of non-compliant amendment will be vacated from PALM contents and replaced with a PALM contents code for miscellaneous letter which should not be counted against Applicant's PTA.

Applicants note that this Statement of Substance of Interview is mailed within one month of the mailing date of the Interview Summary.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 267-4161.

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Respectfully submitted,

/Tom Hunter/

Tom Hunter
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